



Entered on Docket
September 01, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle", is positioned above the judge's name.

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321

Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED UPON
INVESTMENT IN THE BAY POMPANO
BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Third Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan” [Docket No.
3 7270] (the “Objection”); with appropriate notice of the Objection having been given; no
4 responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained;
7 2. The claims listed on **Exhibit A** attached are allowed as general
8 unsecured claims for the amount shown on Exhibit A as Unremitted
9 Principal; and
10 3. The remainder of those claims listed on **Exhibit A** are disallowed in
11 full.

12
13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ Marvin Ruth (#10979)

16 Rob Charles
17 John Hinderaker
18 Marvin Ruth

19 3993 Howard Hughes Parkway, Ste. 600
20 Las Vegas, Nevada 89169-5996

21 Telephone: (702) 949-8200

22 Facsimile: (702) 949-8398

23 *Attorneys for USACM Liquidating Trust*
24
25
26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)

Rob Charles

John Hinderaker

Marvin Ruth

Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-00009-2	Moon Ttee Of The Decedent'S Trust, Frieda Moon	Of The Restated Moon Irrevocable 2504 Callita Court Las Vegas, NV 89102	37,860.24	12,285.97	25,574.27
10725-00021-2	Falvai, Brenda	252 Paseo De Juan Anaheim, CA 92807	37,860.24	12,285.97	25,574.27
10725-00131	Anderson Trustee, Larry	13250 Mahogany Dr Reno, NV 89511	50,000.00	12,285.97	37,714.03
10725-00205	Carrier Family Trust	Don F & Sara L CArrier Ttees 3175 Greensburg Cir Reno, NV 89509	50,000.00	12,285.97	37,714.03
10725-00831	Archer, Guy	1725 Fairfield Ave Reno, NV 89509-3221	37,005.78	12,285.97	24,719.81
10725-01158	Tessel, Michel	Jean Jacques Berthelot W/Poa 9328 Sienna Vista Dr Las Vegas, NV 89117-7034	37,426.95	12,285.97	25,140.98
10725-01252	Thalia Routsis Family Trust Dtd 7/24/90	C/O Thalia Nicholas Routsis Ttee Po Box 4311 Incline Village, NV 89450-4311	37,732.36	12,285.97	25,446.39
10725-01352	Tammadge, David	7292 Horner St San Diego, CA 92120	40,125.15	12,285.97	27,839.18
10725-01393	Edwards, Jeffrey L & Kathleen M	501 Oakcrest Drive Coppell, TX 75019	25,039.73	12,285.97	12,753.76
10725-01562	Deull, Norma M	140 Riverside Dr #8A New York, NY 10024	37,561.00	12,285.97	25,275.03

EXHIBIT A